

United States District Court

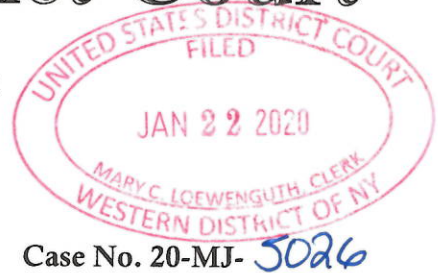
for the
Western District of New York

United States of America

v.

JOSEPH LICATA

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 21, 2020, in the County of Erie, in the Western District of New York, the defendant entered the M&T Bank located 130 Grant St., Buffalo, New York 14213, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, and by force and violence, or by intimidation, obtained money belong to, or in the care, custody, control, management, or possession of, M&T Bank, a bank, in violation of Title 18, United States Code, Section 2113(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

RALPH JOSEPH
Special Agent
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: January 22, 2020


Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

RALPH JOSEPH, being duly sworn, deposes and says:

1. I have been employed as a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") since July of 2019 and am currently assigned to the Buffalo Field Office Violent Crime Squad, which investigates a variety of violent and transnational organized crime.

2. The statements contained in this affidavit are based upon the facts set forth below and are based upon your Affiant's personal observations, reports, and information provided to your Affiant by other law enforcement officials and witnesses, and review of surreptitiously-made recordings.

3. This affidavit is intended to show that there is probable cause that **JOSEPH LICATA** violated Title 18, United States Code, Section 2113(a). This affidavit does not purport to set forth all of your Affiant's knowledge of the investigation into this matter. The information that I have set forth herein I believe to be reliable based upon the investigation to date. Further, I have set forth only the facts that I believe are necessary to establish probable cause.

4. On January 21, 2020, at approximately 10:33 a.m., **LICATA** entered the M&T Bank branch located at 130 Grant St., Buffalo, New York 14213, and used the threat of violence, namely a threatening note, to take and/or obtain, by extortion, money, in violation of Title 18, United States Code, Section 2113(a). At that time, M&T's deposits were insured by the Federal Deposit Insurance Corporation.

5. Specifically, on January 21, 2020, **LICATA** traversed the teller's counter at M&T Bank, handed the teller a note stating, in general, "Give me \$2,000 in cash or I will shoot somebody." Thereafter, the victim-teller handed **LICATA** \$313 in United States currency along with recorded bait bills. **LICATA** then took back the aforementioned note and exited the bank. The FBI's review of M&T's surveillance video, as well as eyewitness accounts, demonstrates that **LICATA** exited the bank and entered a maroon-colored taxi and departed the area.

6. FBI agents further obtained a photograph of the bank robbery subject from M&T Bank's surveillance footage of the branch. FBI Special Agent Eric Sakovics, who arrested **LICATA** in 2011 and is familiar with the appearance of **LICATA**, immediately identified **LICATA** as the individual recorded in the bank robbery surveillance footage.

7. Later that same day, on January 21, ^{2020 any R}~~2010~~, the Buffalo Police Department ("BPD") apprehended **LICATA** after **LICATA** allegedly robbed a Speedway gas station. Law enforcement's photograph of **LICATA**, which law enforcement took shortly after

LICATA's apprehension [see photographs below], matches the suspect photograph from the video still taken from the surveillance footage at the M&T Bank robbery committed earlier in the day.

8. In particular, the photographs show similarities based on facial, physical, and clothing attributes. Separately, law enforcement's review of the video surveillance from M&T Bank shows the bank robbery subject used crutches to walk and walked with a distinct gait; when BPD arrested LICATA following the robbery of the Speedway gas station, BPD recovered crutches in LICATA's possession and further observed him walking with a distinct gait.




9. Law enforcement's search of **LICATA** incident to arrest resulted in the recovery of United States currency. Specifically, within that currency, law enforcement recovered matching bait bills from the bank robbery, including numerous \$5 bills and a \$50 bill (bearing serial number JL72504610A), which matches M&T Bank records provided to law enforcement following the robbery.

10. Following his arrest, BPD took **LICATA** to the Buffalo Police Department "D" District police station, where BPD advised **LICATA** of his Miranda rights. At that time, **LICATA** stated that he understood his rights, that he was not under the influence of drugs or alcohol, and that he agreed to speak with law enforcement.

11. During the interview, which law enforcement recorded both by audio and video, **LICATA** admitted to robbing both the M&T Bank and Speedway gas station earlier on January 21, 2020. **LICATA** provided a detailed timeline and description of how he robbed the bank and gas station. **LICATA** stated that he suffered from bipolar disorder, among other mental illnesses, and had not taken his prescription medication in several days.

WHEREFORE, based upon the foregoing, there is probable cause to believe that on **JOSEPH LICATA** has committed the following offense: on January 21, 2020, at the M&T Bank, located at 130 Grant St., Buffalo, New York 14213, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, and by force and violence, or by intimidation, obtained money belonging to, or in the care, custody, control,

management, or possession of, M&T Bank, a bank in violation of Title 18, United States Code, Section 2113(a).



RALPH JOSEPH
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to before

me this 22nd day of January, 2020.



HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE